

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FRACTUS, S.A.

Plaintiff

vs.

**SAMSUNG ELECTRONICS CO.,
LTD., et al.,**

Defendants.

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**CASE NO. 6:09-CV-203
PATENT CASE**

AMENDED FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure in consideration of the jury verdict delivered on May 23, 2011, the Final Judgment and Memorandum Opinion and Order entered on June 28, 2012, the February 26, 2013 Order, the March 15, 2013 Order, and the entirety of the record available to this Court, the Court **ORDERS AND ENTERS AMENDED FINAL JUDGMENT** as follows:

- Defendants Samsung Electronics Co., Ltd., Samsung Telecommunications America, LLC, Samsung Electronics Research Institute, and Samsung Semiconductor Europe GmbH (collectively “Samsung”) are found to have unlawfully infringed U.S. Patent Nos. 7,015,868 (“the ‘868 Patent”); 7,123,208 (“the ‘208 Patent”); 7,397,431 (“the ‘431 Patent”); and 7,394,432 (“the ‘432 Patent”);
- Defendant Samsung is found to have infringed the ‘868, ‘208, ‘431, and ‘432 Patents willfully.
- The ‘868, ‘208, ‘431, and ‘432 Patents are valid and enforceable.
- The Court awards damages to Fractus, S.A. for Samsung’s infringement of the ‘868, ‘208, ‘431, and ‘432 Patents in the amount of \$23,129,321.

- Fractus, S.A is further awarded enhanced damages of \$15,000,000 for Samsung's willful infringement.
- Fractus, S.A. is further awarded pre-judgment interest, post-judgment interest and costs as detailed in this Court's June 28, 2012 Memorandum Opinion and Order (Docket Number 1113).
- Fractus, S.A. is further awarded \$163,534.00 as supplemental damages for adjudicated phones sold before the May 23, 2011 verdict but not included in the verdict.
- Fractus, S.A. is further awarded an ongoing royalty rate of \$0.60 per phone for all adjudicated phones sold after the May 23, 2011 jury verdict.

The Court further **DENIES WITHOUT PREJUDICE** Fractus' request for an ongoing royalty rate on non-adjudicated phones. However, the Court will take the ongoing royalty rate into consideration when setting an ongoing royalty rate on any non-adjudicated phones, including any that are shown to be not "colorably different."

The Court also **DENIES** Fractus' request to maintain Cause No. 6:12-cv-421. If Fractus wishes to bring another complaint against Samsung alleging infringement of the non-adjudicated phones, it may file said complaint in a new matter. For the purposes of any appeal taken in this action, the record in Cause No. 6:12-cv-421 shall be considered part of this action.

All pending motions not previously resolved are **DENIED**.

So ORDERED and SIGNED this 18th day of March, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE